

REMARKS

Claims 1-18, 20-39, and 41-44 are pending after the amendment. Support for the amendments to the claims is readily found in Figs. 2-6.

Independent Claims 1 and 24 have been amended to limit the claims to changing symbols to other than the special symbol, such as shown in Figs. 3-5. Claims 11 and 33 have been made independent and are directed to changing symbols adjoining the special symbol on multiple pay lines, as illustrated in Fig. 2.

The examiner rejected the claims as being anticipated by or obvious in view of Patent 6,439,993 to O'Halloran.

O'Halloran describes a game where the occurrence of a wild card on a pay line causes one or more other symbols on the same pay line to convert to the same wild card symbol. O'Halloran specifically limits his game to the above-described embodiments (see col. 1, lines 38-43; col. 1, lines 48-53; col. 2, lines 60-64; and col. 3, lines 3-8). Nowhere does O'Halloran suggest to change symbols to other than the special symbol (i.e., the wild card) on the same pay line.

Applicant's independent Claims 1 and 24 specifically exclude the changed symbols from being the special symbol, in direct contrast to the teaching of O'Halloran. Examples provided in the various dependent claims include changing symbols to the rightmost or leftmost symbol (Claims 8, 10, 23, 30, 32, 44). The difference between Applicant's claims and O'Halloran is significant. There is no motivation whatsoever for modifying O'Halloran to achieve Applicant's game of Claims 1, 24, and their dependent claims.

Independent Claims 11 and 33 are directed to a game where symbols adjoining the special symbol on multiple pay lines change to special symbols. O'Halloran is strictly

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limited to changing symbols only on the same pay line, even though O'Halloran's machine displays a 3x5 matrix of symbols. There is no motivation whatsoever for modifying O'Halloran to achieve Applicant's game of Claims 11, 33, and their dependent claims.

Any conclusions that the examiner expressed in the office action that O'Halloran suggests other than changing symbols to wild card symbols on the same pay line is respectfully submitted to be hindsight. Accordingly, allowance of all pending claims is respectfully requested.

Should the Examiner have any questions, the Examiner is invited to call the undersigned at (408) 382-0480.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature B. J. Date 9/16/04

Respectfully submitted,



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